THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

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WRIT PETITION NO.5417 OF 2007

Dated:2.4.2007

Between:

K. Dhanalaxmi, W/o Venkata Rao

..Petitioner

And

The Principal Secretary to Government,
General Administration Department,
Government of A.P., Secretariat, Hyderabad
And another.

.. Respondents.

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THE HON'BLE SMT JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH.

WRIT PETITION NO.5417 OF 2007

ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed by the petitioner seeking to declare the proposed action of the 2nd respondent in issuing the order in Rc.No.12/A4/2007, dated 24.1.2007 as illegal and arbitrary and to direct the respondents to set her husband at liberty forthwith.

According to the petitioner, the order of detention was issued by the 2nd respondent against her husband on the ground that he is found in possession of I.D. liquor and thus, he is involved in six crimes. It is the case of the petitioner that while issuing the detention order, the Sponsoring Authority has not furnished the relevant and vital documents viz., bail orders relating to the crimes in which the alleged detenu was released on bail.

Heard the learned counsel.

A detailed counter has been filed by the 2nd respondent stating that while passing the order of detention in order to determine the conduct of the detenu, he has gone through various cases registered against him and that on the analysis that the activities of the detenu would fall within the definition of Bootlegger as defined under section 2(b) of the A.P. Prevention of Dangerous Activities of Boot Leggers, Decoits, Drug Offenders, Goodas, Immoral Traffic Offenders and Land Grabers Act, 1986, in order to prevent the alleged detenu from further indulging himself in similar offences in future, the impugned order was passed and the relevant material was served on the detenu and the

same was acknowledged by him and the detenu was also informed that he has a right to make a representation to the Detaining Authority, Chief Secretary to Government and Advisory Board. It is also further contended that the bail applications were made by the alleged detenu in each of the crimes before the Court concerned and accordingly, he was granted bail and the bail orders and bail applications are the documents available with the detenu and non-furnishing of the same does not vitiate the order of detention.

Heard the learned counsel.

The main thrust of the argument of the learned counsel for the petitioner relies on the principles laid down by the Apex Court in the judgment reported in ABDUL SATHAR IBRAHIM MANIK V. UNION OF INDIA ([1]) wherein it is held that non consideration of the bail orders would vitiate the very detention as such.

In the instant case, there is no dispute as to the granting of bail in all the crimes pending against the alleged detenu. However, without considering the granting of bails, the 2nd respondent has issued the detention order, dated 24.1.2007.

At this stage of the proceedings, it is brought to the notice of this Court by the learned counsel for the petitioner that the issue involved in this writ petition is squarely covered by an unreported Division Bench Order of this Court in W.P.No:11247 of 2006, dated.30th August, 2006.

Accordingly, this writ petition is disposed of in terms of the order passed in W.P.No:11247 of 2006, dated 30th August, 2006.

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Justice T. Meena Kumari

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Justice G.Chandraiah

Date: 2.4.2007
Gurc/nn

THE HON'BLE SMT. JUSTICE T.MEENA KUMARI
&
THE HON'BLE SRI JUSTICE G.CHANDRAIAH

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WRIT PETITION NO.5417 OF 2007

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

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Dated: 2.4.2007

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[1] (1992) 1 scc 1